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Mr. C. GOPALA MENON :—" Will the hon. the Development Minister say why there was this lack of demand? Is it due to the fact that those students who have received training have not been able to get any employment under Government or not taken to agriculture as their profession ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" You must ask only the pupils, Sir."

Mr. P. ANJANEYULU :—" On a point of order, Sir, may I know whether the Chief Minister can prompt the other Ministers ? "

The hon. the PRESIDENT :—" Oh, certainly."

Transferred Subjects

Instructions for preparing matter for presentation to the Simon Commission.

* 1845 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether he has given or proposes to give any official instructions to the departments under his control for the preparation of any case or materials for presentation to or consideration by the Simon Commission ;

(*b*) if so, the reasons why the Minister proposes to act in contravention of the resolution of this Council not to co-operate ?

Mr. S. SATYAMURTI :—" Before the answer is given, I rise to a point of order, Sir. Under Standing Order 15 of our Standing Orders, questions shall be put and answers given in such manner as the President may, in his discretion, determine. And in exercising that discretion, yourself and your predecessors have laid down certain rules which have been modified up-to-date and they stand thus : 'Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat'. The other things which follow are irrelevant to this. I should like to know, Mr. President, whether the hon. the three Ministers have taken your permission to answer these questions without sending in answers to your office in time, so that they may be printed and placed on the Council table an hour before the President takes his seat."

* The hon. the PRESIDENT :—" Do you want information or do you raise a point of order ? Do you wish to know whether they have taken my permission to answer the questions orally ? "

Mr. S. SATYAMURTI :—" In case you have given your permission no point of order can arise. I am placing that in order to eliminate the possibility of such an answer being given. It is inherently open to you to do so if you are satisfied with the reasons for the departure from that order. If you have not been pleased to make such an order, or if they have not approached you with regard to that, I suggest that this departure from the usual practice has got to be justified. I am raising this question not because of any technicalities, but because of the substantial deprivation of the right of the House to have at least one hour's notice to prepare supplemental questions."

The hon. the PRESIDENT :—" It has been the practice last year and this year to intimate to the various Members of Government to have the answers ready at the last sitting of the Council for all unanswered questions for which due notice has been given. They are told that all the questions

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remaining unanswered will be put on the agenda and that in case written answers are not sent to the Council office beforehand they should be prepared to answer them orally in open Council. Accordingly all the questions have been put and I do not know whether the Ministers are prepared to answer these questions to-day."

The hon. Dr. P. SUBBARAYAN :—" Mr. President, Sir, I am giving answer on behalf of all the three Ministers."

The hon. the PRESIDENT :—" The questions are put to each Minister."

The hon. Dr. P. SUBBARAYAN :—" It does not fall to the Ministers to prepare or present any materials for consideration by the Simon Commission."

Mr. S. SATYAMURTI :—" May I be permitted, in order to elucidate my question, just to read one or two sentences from the speech of the hon. Chief Minister with regard to the duties of Ministers in the preparation of materials for the Simon Commission? He said ' A good deal has been made with regard to the vote of the Council in favour of not co-operating with the Simon Commission. Being a Royal Commission, my late Colleagues and I could not ask our departments to refuse to supply any information that may be required by the Commission. I lay stress on this, because, if really my ex-Colleagues felt that they could not after the vote of the House in any way co-operate with the Commission, that certainly implies that they would not let their own departments to prepare any evidence necessary for the use of the Commission. That neither my Colleagues nor I could possibly do '. In view of that statement of the hon. the Minister for Local Self-Government and Education, I ask him whether his present statement that the Ministers have nothing to do with the preparation of any materials for the Commission, is correct, or whether the earlier statement that they would not prevent their own departments from preparing any evidence necessary for the use of Commission, is correct?"

The hon. Dr. P. SUBBARAYAN :—" Perhaps I should elucidate this matter further. Evidently my hon. Friend has not read Devolution Rule 5. According to Devolution Rule 5, it is the duty of the local Government to supply the Government of India with such information as it may require, and my statement is in consonance with what I have said just now."

Mr. S. SATYAMURTI :—" In view of that Devolution Rule 5, may I ask the hon. Minister whether apart from supplying any information which the Government of India may require, the Ministers have anything to do with the preparing of any materials necessary for the use of the Simon Commission? I am using the Chief Minister's own words."

The hon. Dr. P. SUBBARAYAN :—" The Ministers, as Ministers, have nothing to do with the preparation of materials for consideration by the Simon Commission."

Mr. S. SATYAMURTI :—" May I ask, Sir, whether the Ministers through their own departments have anything to do with the preparation of any evidence necessary for the use of the Commission?"

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The hon. Dr. P. SUBBARAYAN :—" Yes, they have, because the Government of India by letter have asked the Government of Madras to supply information for the use of the Simon Commission."

Mr. S. SATYAMURTI :—" In view of the Devolution Rules which simply asks that the Government of Madras should give information to the Government of India, I ask, Sir, whether the hon. the Minister has permitted his department or asked his own department to prepare the evidence required by the Government of India for submission to the Simon Commission."

The hon. Dr. P. SUBBARAYAN :—" That matter has not yet arisen."

Mr. S. SATYAMURTI :—" May I know whether the hon. the Minister proposes to issue any instruction officially to his department for the preparation of any evidence for the Simon Commission ? "

The hon. Dr. P. SUBBARAYAN :—" When the time arises for such consideration, I shall decide what I should do."

Mr. S. SATYAMURTI :—" May I take it that the First Minister has not made up his mind on that matter ? "

The hon. Dr. P. SUBBARAYAN :—" What I said does not imply that."

Mr. S. SATYAMURTI :—" May I know what it does imply ? "

The hon. Dr. P. SUBBARAYAN :—" The hon. Member knows the English language as well as I do."

Mr. S. SATYAMURTI :—" I am sorry my hon. Friend's English is beyond me."

The hon. the PRESIDENT :—" Let us get on with the supplementary questions."

Mr. S. SATYAMURTI :—" I am asking my hon. Friend, whether in view of his previous statement on the floor of this House an extract from which I have read, in which he says ' neither my Colleagues nor I could not prevent our departments from preparing any evidence ', it means that since he made that statement, he has changed his mind, and now keeps an open mind and will decide on these questions as and when the need arises."

The hon. Dr. P. SUBBARAYAN :—" It does not mean anything of the kind."

Mr. S. SATYAMURTI :—" May I take it that it means that he proposes to give instructions to the departments under his control as and when the time comes, to prepare evidence for the Simon Commission ? "

The hon. Dr. P. SUBBARAYAN :—" That will be considered when the occasion arises."

Mr. S. SATYAMURTI :—" May I ask whether in view of his statement to-day, which I take it to mean that he is now of the same frame of mind as when he made that statement, that he as a constitutionalist could not prevent his department from giving evidence before the Royal Commission, being a Royal Commission, he has at present any idea of following it up by suitable action when that suitable occasion arises ? "

The hon. Dr. P. SUBBARAYAN :—" Yes."

Mr. S. Satyamurti :—" I am thankful to the Minister for the monosyllabic answer. He might have given it five minutes ago and much to my benefit, to your benefit and to the benefit of the House. May I ask the hon. the First Minister what are the reasons why he proposes to act in defiance of the clearly expressed verdict of the House in this matter ? "

The hon. Dr. P. Subbarayan :—" The rules are the Devolution Rules."

Mr. S. Satyamurti :—" May I ask my hon. Friend for some elucidation on that matter ? The Devolution Rule 5 has reference to the Government of India. Does the hon. Member share the view of the Governor that the Commission is the Government ? "

The hon. Dr. P. Subbarayan :—" I don't know how the hon. the Member read into the mind of the Governor."

Mr. S. Satyamurti :—" I am referring to the statement made on the floor of this House by the ex-Excise Minister. He said that to oppose the Commission was to oppose the Government was the view of the Governor, and that was not contradicted."

The hon. the President :—" I don't think any hon. Member of the House has got a right to reflect on the conduct of the Governor."

Mr. S. Satyamurti :—" I am not reflecting at all."

The hon. the President :—" It is really reflecting on the interpretation put by His Excellency the Governor."

Mr. S. Satyamurti :—" I leave it there, Sir. According to Devolution Rule 5 ' The Local Government shall furnish to the Governor-General in Council from time to time such returns and information on matters relating to the administration of provincial subjects as the Governor-General in Council may require and in such form as he may direct '. May I ask, Sir, from this Devolution Rule 5 which makes no reference either expressly or impliedly to Royal Commissions or the Simon Commission, whether my hon. Friend infers that the duty is called for on him to prepare any evidence for the Simon Commission ? "

The hon. Dr. P. Subbarayan :—" The Government of India have asked us to supply information."

Mr. S. Satyamurti :—" May I know, Sir, if therefore I am right in saying that the hon. Minister feels that he has no discretion in acting like that and is bound to carry out the orders of the Governor-General in Council, and if he had the discretion in the matter he would certainly decide otherwise ? "

The hon. Dr. P. Subbarayan :—" It does not follow. The hon. Member is trying to read into my statement more things than I meant."

Mr. S. Satyamurti :—" Therefore, may I take it that, apart from Devolution Rule 5, the hon. the Minister is acting on his own responsibility in allowing his departments to prepare the evidence for the Commission ? "

The hon. Dr. P. Subbarayan :—" I never said anything of the kind."

Mr. Abdul Hamid Khan :—" May I know, Sir, how the hon. the Minister can reconcile two of his statements. When he was asked whether he was prepared to ask his departments to prepare the evidence he said that the

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question did not arise; and then later on he said that the Government of India has asked under Devolution Rule 5 and that under the direction of the Government of India he has to give that order to his departments to prepare the evidence for the Commission?"

The hon. Dr. P. SUBBARAYAN :—"They are two distinct matters."

Mr. S. SATYAMURTI :—"May I know, Sir, whether the materials which are being prepared by the hon. Minister's department are being prepared for submission to the Government of India?"

The hon. Dr. P. SUBBARAYAN :—"Yes, Sir."

Mr. S. SATYAMURTI :—"May I therefore, Sir, take it that they are not going to be presented to the Simon Commission at all by the Government of Madras?" 1-45 a.m.

The hon. Dr. P. SUBBARAYAN :—"I cannot say anything at present."

Mr. S. SATYAMURTI :—"May I then ask for some elucidation of the previous answer Sir? My hon. Friend says that they are going to be certainly sent to the Governor-General in Council. When I ask whether these are going to be sent to the Simon Commission, he says 'It does not follow'. May I therefore ask if this information is supplied to the Government of India only or to the Simon Commission, or to the Government of India with a view to be sent to the Commission?"

The hon. Dr. P. SUBBARAYAN :—"I am afraid, Sir, I cannot take the matter any further."

Mr. S. SATYAMURTI :—"Sir, this is a matter of fact. I want to know, if I may ask, whether in issuing instructions to the departments for the preparation of evidence with regard to the working of the departments under his charge, my hon. Friend has issued any instructions as regards the destination of these instructions when they are prepared?"

The hon. Dr. P. SUBBARAYAN :—"My hon. Friend is presuming too much. No instructions have been issued."

Mr. S. SATYAMURTI :—"Am I to understand that the departments have not been asked to prepare any evidence at all?"

The hon. Dr. P. SUBBARAYAN :—"Not by the Ministers."

Mr. S. SATYAMURTI :—"May I know, by whom then?"

The hon. Dr. P. SUBBARAYAN :—"Notice". (Laughter.)

Mr. BASHEER AHMAD SAYEED :—"May I know Sir, whether the Minister is going to act according to the letter of the Government of India or the vote of this House on the matter of the preparation of materials for the Simon Commission?"

The hon. Dr. P. SUBBARAYAN :—"Will the hon. Member kindly repeat his question?"

Mr. BASHEER AHMAD SAYEED :—"I want to know from the hon. the Chief Minister, whether he is going to act upon the letter from the Government of India or upon the vote of the House in the matter of the preparation of materials to be placed before the Simon Commission?"

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The hon. Dr. P. SUBBARAYAN :—" As long as I remain a Minister and a Member of the Government of Madras, the Government of Madras are bound to supply the information which the Government of India require."

Mr. P. BHAKTAVATSULU NAYUDU :—" Does that mean, Sir, that the hon. the First Minister has nothing to do with the Council or its vote ? "

The hon. Dr. P. SUBBARAYAN :—" I never said anything of that kind."

Mr. S. SATYAMURTI :—" With regard to the Devolution Rule No. 5, Sir, may I ask the hon. Minister in view of the statement he made, as to what are the returns and what the information and the matters for which the provincial Government have been asked to supply information and on which the Government of India have asked for information from the Local Government, and in what form they are required ? "

The hon. Dr. P. SUBBARAYAN :—" That is a confidential communication from the Government of India."

Mr. S. SATYAMURTI :—" Sir, I ask for your ruling whether it is right to refer to a communication and one part of its contents namely that they have been required by the Government to supply information, and as regards the other parts refuse to give them out pleading it is a confidential document."

The hon. the PRESIDENT :—" It is left to the person in possession of a confidential document to give out such portions of its contents as he likes. It is not a question of laying it on the table of the House. I should like to know your point of order."

Mr. S. SATYAMURTI :—" My point of order is this, Sir. My hon. Friend has made a statement which cannot be verified except by his pleasure namely that the Government of India have asked him by means of a document to give information under Devolution Rule No. 5 . . ."

The hon. the PRESIDENT :—" Does he mention that fact ? "

Mr. S. SATYAMURTI :—" He mentions the fact and also this rule and that he was asked to give information. I am taking the point of order whether in your discretion it is open to the Members of the Treasury Bench to refer to one part of a confidential document for their own purposes and when we want to know more of that document, whether they can refuse to give out the information. That is what I am raising for your consideration and ruling, Sir."

The hon. the PRESIDENT :—" I know the hon. Member has of late given me greater opportunities to give new rulings " (Laughter.)

Mr. S. SATYAMURTI :—" That, I submit, is exactly the sense in which I used that phrase, earlier."

The hon. the PRESIDENT :—" But, I am not able to understand how the point of order arises. The hon. Minister says that he is not prepared to reveal certain portions of the letter of the Government of India on the ground that the document is confidential. No doubt, if I remember aright, he was saying that he was asked under Devolution Rule No. 5 ; but I did not understand him to mean that this Government or a Member of this Government was asked to furnish the information under the rule. I want to know whether a reference to the rule is in the Government of India's letter. Does the hon. the Minister say that ? "

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Mr. S. SATYAMURTI :—" Yes, he does say so."

The hon. the PRESIDENT :—" I do not think so. (Turning to the Chief Minister.) Has the hon. Member said that ? "

The hon. Dr. P. SUBBARAYAN :—" I do not exactly understand what you said, Mr. President."

The hon. the PRESIDENT :—" I want to know before I give my ruling whether the hon. the Minister stated that the Government of India's letter to this Government contained a reference to the Devolution Rule No. 5."

The hon. Dr. P. SUBBARAYAN :—" I only said that we are bound to furnish any information the Government of India may require under Devolution Rule No. 5. I never said that the Government of India's letter referred to any such rule."

The hon. the PRESIDENT :—" That is how I understood it."

Mr. S. SATYAMURTI :—" I am asking, Mr. President, whether my hon. Friend has seen any inconsistency between his position as a Minister responsible to this House and as a Minister having to carry out, according to him, the instructions issued to him under Devolution Rule No. 5 and if he considers that he has got to obey the rule and not the vote of the House."

The hon. Dr. P. SUBBARAYAN :—" I have never thought that these two are inconsistent. " (Laughter.)

Mr. T. C. SRINIVASA AYYANGAR :—" In view of the obligation resting upon the Ministers in charge of the Transferred departments that their relations to the Council should be consistent with the expressed wishes of the Council and that the resolutions are binding on them, what action has the Minister taken as regards advising His Excellency the Governor in the matter of giving effect to that resolution ? "

The hon. Dr. P. SUBBARAYAN :—" I am afraid I cannot answer that question."

Mr. T. C. SRINIVASA AYYANGAR :—" Did the hon. the Minister send up any representation to the Governor regarding the action to be taken by him or what course he should follow in the circumstances, namely, the obligation to supply information to the Government and to respect the resolution of this House ? "

The hon. Dr. P. SUBBARAYAN :—" That I cannot answer."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know from the hon. the Minister if he considers that by the furnishing and submission of statements to the Government of India under Devolution Rule No. 5 or under any other rule in respect of the evidence for the Simon Commission he will be acting up to the resolution of the Council in respect of the Simon Commission ? "

The hon. Dr. P. SUBBARAYAN :—" Notice, Sir." (Laughter.)

Mr. T. C. SRINIVASA AYYANGAR :—" Does he propose to tender any advice on the point, Sir ? "

The hon. Dr. P. SUBBARAYAN :—" The advice I tender to His Excellency the Governor is always of a confidential nature."

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Mr. S. Satyamurti :—" May I request the hon. the Chief Minister to kindly elucidate his cryptic statement that he sees no inconsistency between Devolution Rule No. 5 and the vote of this House? I am asking, Sir, how he reconciles or proposes to reconcile the vote of this House which says that this House including my hon. Friend, the Minister, shall not have anything to do with the Simon Commission as it is at present constituted and the preparation of materials for submission to the Commission."

The hon. Dr. P. Subbarayan :—" I have already answered this question, Sir, and it is for my hon. and learned Friend for the University to draw any inference he chooses from that statement."

Mr. T. C. Srinivasa Ayyangar :—" May I ask the hon. the First Minister to tell us whether he has tendered any advice, not that I ask what advice he tendered ? "

The hon. Dr. P. Subbarayan :—" I am not prepared to answer that question."

Mr. T. C. Srinivasa Ayyangar :—" I want to know, Sir, whether a resolution of the House once passed should be considered as binding on the Ministers and am I not entitled to ask whether he has tendered any advice at all ? "

Mr. Abdul Hamid Khan :—" May I know, Sir, from the hon. the Minister if he is not aware that a similar situation arose in the Central Provinces and that the Ministers there did not think it advisible to give preference to Devolution Rule No. 5 over a vote of the House ? "

The hon. Dr. P. Subbarayan :—" I have nothing to do with the action of the Ministers in the Central Provinces."

Mr. Basheer Ahmad Sayeed :—" May I know, Sir, whether the hon. the Minister has written to the Government of India that in view of the vote of the House he is not going to take any action on the letter ? I ask, Sir, if he has replied to the Government of India's letter that in view of the vote of this House, he is not prepared to take action on their letter."

The hon. Dr. P. Subbarayan :—" I cannot answer that question." (Several voices : Why not ? A voice : He dare not.)

Mr. P. Anjaneyulu :—" May I know whether the Minister is aware that the vote of this House is binding on him and the other two Ministers ? "

The hon. Dr. P. Subbarayan :—" I do not think the vote of the House means what the hon. Member says." (Laughter and cries ' Oh, Oh'.)

Instructions for preparing matter for presentation to the Simon Commission.

*1846 Q.—Mr. S. Satyamurti : Will the hon. the Minister for Public Health be pleased to state--

(*a*) whether he has given or proposes to give any official instructions to the departments under his control for the preparation of any case or materials for presentation to or consideration by the Simon Commission ;

(*b*) if so, the reasons why the Minister proposes to act in contravention of the resolution of this Council not to co-operate ?